

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26684 of 2024

Arising Out of PS. Case No.-405 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

1. Akhilesh Tiwari Son of Late Saryug Tiwari Resident of Village- Balha, P.S. Baikunthpur, District- Gopalganj (Bihar)
2. Sunil Pandey Son of Late Chandrama Pandey Resident of Village- Balha, P.S. Baikunthpur, District- Gopalganj (Bihar)
3. Ankit Kumar Son of Akhilesh Tiwari Resident of Village- Balha, P.S. Baikunthpur, District- Gopalganj (Bihar)
4. Raja Kumar Son of Akhilesh Tiwari Resident of Village- Balha, P.S. Baikunthpur, District- Gopalganj (Bihar)
5. Raja Kumar Son of Jai Prakash Pandey Resident of Village- Fatehabad, P.S.- Paroo, District- Muzaffarpur (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Mishra

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 18-09-2024 1. Heard the parties.

2. The petitioners apprehend their arrest in connection with Baikunthpur P.S. Case No. 405 of 2023 dated 25.11.2023 registered under Sections 341, 323, 324, 325, 307, 379, 447, 448, 504, 34 of the I.P.C.

3. As per the First Information Report lodged by Anil Kumar, truck driver, on 21.11.2023 in the morning he received phone call from his niece saying that yesterday, on 20.11.2023, when



she was at her home with her parents, all the accused persons along with petitioners armed with rod, spade, sword, “farsa” arrived in a Scorpio vehicle and started abusing and assaulting her parents in which the brother of the informant received serious injury for which he was treated at AIIMS, Patna.

4. Learned counsel for the petitioners submits that allegation against the petitioners is general and omnibus in nature and from the injury report attached with the case diary it appears that no serious injury has been caused to the brother of the informant Pankaj Pandey and the doctor at P.H.C. (Primary Health Centre) has only pointed out that there was lacerated wound on the mid of skull but the nature and description of the injury has not been discussed in the injury report. Though the opinion of the doctor has been reserved, but no final opinion has been brought by the prosecution in the case diary. The sister-in-law (“Bhabhi”) of the informant has sustained simple injury. There is counter case also lodged by the side of the petitioners bearing Baikunthpur P.S. Case No. 403 / 2023 for an occurrence which has taken place on the same date and time. The motorcycle of the informant’s side was seized by the Police from near the house of the petitioners, which goes to show that it was the informant’s side who was the aggressor and they had



arrived at the house of the petitioners.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for anticipatory bail and submits that all the accused persons brutally assaulted the brother and sister-in-law of the informant due to which they sustained injury and the brother of the informant Pankaj Pandey was treated at AIIMS, Patna.

6. Regard being had to the submission made by the parties, taking into consideration the nature of allegation, the fact that there is case and counter case between the parties, both sides have sustained injury, allegation against the petitioners is general and omnibus in nature, prosecution has not brought on record the final opinion of the doctor regarding the injury caused to the victims, as such, I am inclined to grant anticipatory bail to the petitioners.

7. Let the petitioners, above named, be released on anticipatory bail in the event of arrest or surrender before the court below within a period of four weeks from today on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gopalganj in connection with Baikunthpur P.S. Case No. 405 of 2023 subject to the condition



as laid down under Section 438 (2) of the Cr.P.C.

(Anil Kumar Sinha, J)

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